

Appl. No. 10/075,326
Attorney Docket No. CM2502
Amendment dated January 28, 2004
Response to First Office Action of September 29, 2004
Customer No. 27752

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet (7/8) of drawings includes an additional figure (Fig. 5a). The replacement sheet (7/8) now includes Fig. 5-5a, and replaces the original sheet (7/8) including Fig. 5.

Attachment: Replacement Sheet (7/8)

Appl. No. 10/075,326
Attorney Docket No. CM2502
Amendment dated January 28, 2004
Response to First Office Action of September 29, 2004
Customer No. 27752

REMARKS

The First Office Action dated September 29, 2004 has been carefully considered. The Applicant appreciates the Examiner's thorough review of the application. The changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Withdrawal of the objections/rejections and reconsideration are respectfully requested.

Amendment to the Specification

Reference to new Fig. 5a has been added to the specification at the end of paragraph beginning on page 5, line 29 and ending on page 6, line 2. This figure is directed to a container having a false bottom side wall that is inclined from the front side wall to the back side wall of the container. For basis, please see page 5, line 29 through page 6, line 2.

Status of the Drawings

The Examiner has objected to the drawings under CFR 1.83(a) as failing to provide proper basis a container comprising a false bottom side wall that is inclined from the front side wall to the back side wall of the container. New drawing (Fig. 5a) has been added to show the container with the second false bottom. For basis see page 5, line 29 through page 6, line 2.

Status of the Claims

Claims 1-4, 9, 10, 13, 14, 16, 28-30, and 33-41 are currently pending in this application. Claims 1, 16, and 33 have been amended. Claims 1 and 16 were amended to remove subject matter from the claims. Claim 33 was amended to include a description of the false bottom side wall. Support for the amendment to Claim 33 can be found in the specification, e.g., see the paragraph beginning on page 5, line 26 and the paragraph beginning on page 6, line 10.

Rejections under 35 U.S.C. § 112

1. Claims 1-4, 9, 10, 13, 14, 16, 28-30 and 33 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 16 and 33 are independent claims. Dependent Claims 2-4, 9, 10 13 and 14 depend on Claim 1, and dependent Claims 28-30 depend on Claim 16.

With respect to Claim 33, the Applicants have added a new drawing (Fig. 5a) to show that the bottom side wall may be substantially horizontal, but that the container may comprise a false bottom

Appl. No. 10/075,326
Attorney Docket No. CM2502
Amendment dated January 28, 2004
Response to First Office Action of September 29, 2004
Customer No. 27752

side wall on the inside of the container, which is inclined from the front to the back of the container. Support for the amendment can be found on page 5, line 29 through page 6, line 2.

The Applicants submit that the §112 first paragraph rejection has been obviated by the amendments to Claims 1, 16, and 33. Withdrawal of the §112 first paragraph rejection and reconsideration is requested.

2. Claims 1-4, 9, 10, 13, 14, 16, 28-30 and 33 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

The specific reference to the bottom side wall has been removed in amended Claims 1 and 16. Claim 33 has been amended to include the false bottom side wall. Support for the amendment of Claim 33 can be found on page 5, line 29 through page 6, line 2.

The Applicants submit that the §112 second paragraph rejection has been obviated by the amendments to Claims 1, 16, and 33. Withdrawal of the §112 second paragraph rejection and reconsideration is requested.

Prior Rejections under 35 U.S.C. §102(b)

The Examiner has withdrawn the 102(b) rejection of Claims 1, 2, 4, 9, 10, 27, 28, 31, and 32 as being anticipated by U.S. Pat. No. 4,151,946 (hereinafter "Schmidt").

Prior Rejections under 35 U.S.C. §103(a)

The Examiner has withdrawn the 103(a) rejections of Claims 2, 3, and 29 over Schmidt, as well as, the 103(a) rejection of Claims 1-4, 9, 10, 13, 27, 28, 30, 31, and 32-34 over U.S. Pat. No. 5,971,153 to Bauer et al. in view of U.S. Pat. No. 5,022,216 to Muckenfuhs et al.


Appl. No. 10/075,326
Attorney Docket No. CM2502
Amendment dated January 28, 2004
Response to First Office Action of September 29, 2004
Customer No. 27752

CONCLUSION

It is believed that the above amendment represents a complete response to the Examiner's claim objections and rejections, and therefore places the present application in condition for allowance. Withdrawal of the objections/rejections, reconsideration, and an early allowance are requested.

Respectfully submitted,

Raphael Louis Mangin

By 

Kevin L. Waugh
Attorney for the Applicant
The Procter & Gamble Co.
Cincinnati, Ohio
(513) 627-7386

CM2502 Amendment to 1st Office Action after RCE.doc
January 29, 2005
Customer No.: 27752